

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COMCAST CABLE COMMUNICATIONS  
CORPORATION, LLC, a Pennsylvania  
Corporation,

Plaintiff,

v.

FINISAR CORPORATION, a Delaware  
Corporation,

Defendant.


No. C 06-04206 WHA

**NOTICE AND REQUEST FOR  
SUPPLEMENTAL BRIEFING**

At yesterday's hearing, the Court was concerned to learn that Comcast had produced no documents in discovery, even though Comcast filed this action nine months ago. When a plaintiff seeks the protection of a court in a declaratory judgment action, the plaintiff should be (and usually is) quite forthcoming in discovery and scheduling so that the case can be resolved on the merits fairly. The Court has been assuming that discovery was well underway.

The Court would like to roll this circumstance into the pending motion to stay the entire case pending re-examination. Since the briefing on this issue is complete or will be by today, each side may file a supplement up to ten pages (total, no appendices) setting forth the extent to which discovery is still in the earliest stages, so that a stay might be appropriate. Each side should file this by **MONDAY, MARCH 26, AT NOON.**

Dated: March 22, 2007.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE